



Serial No. 10/694,030

Docket No.: 1514.1033

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

PARK, Ji Yong, et al.

Serial No. 10/694,030

Group Art Unit: 2815

Confirmation No. 3879

Filed: October 28, 2003

Examiner: Landau, Matthew C.

For: POLYCRYSTALLINE SILICON THIN FILM, FABRICATION METHOD THEREOF, AND THIN FILM TRANSISTOR WITHOUT DIRECTIONAL DEPENDENCY ON ACTIVE CHANNELS FABRICATED USING THE SAME

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

This is responsive to the Office Action mailed October 5, 2004, having a shortened period for response set to expire on November 5, 2004, the following remarks are provided.

I. Provisional Election of Claims Pursuant to 37 CFR §1.142

Applicants provisionally elect **Group I, Species II, claims 1-3 and 6-7** in response to the preliminary restriction requirement set forth in the Office Action.

II. Applicants Traverse the Requirement

The Examiner has restricted the claims initially to Group I, claims 1-7 and 23, and Group II, claims 9-22, and then additionally to Species I, shown in Figure 2, Species II, shown in Figure 4, Species III, shown in Figures 5 and 7, and Species IV, shown in Figure 9. Insofar as Group II is concerned, it is believed that claims 8-22 are so closely related to Group I claims 1-7 and 23 that they should remain in the same application. Claims 9-22 are drawn to a method of manufacturing a polycrystalline thin film with a mask having laser transmission patterns mixed with laser non-transmission patterns, and claims 1-7 and 23 are directed to the polycrystalline thin film itself. There have been no references cited to show any necessity for requiring restriction and, in fact, it is believed that the Examiner would find references containing both

method and product claims in the same field of technology. While it is noted that the Examiner has identified different classifications for the product and method claims, it is believed that classification is not conclusive on the question of restriction. It is believed, moreover, that evaluation of both sets of claims would not provide an undue burden upon the Examiner at this time in comparison with the additional expense and delay to the Applicant in having to protect the additional subject matter recited by the Group I claims by filing a divisional application.

Further, regarding the Species I, III, and IV claims, it is believed that claims 1, 6-9, 13, and 20-21 of Species I, claims 1-3, 6-9, 11-13, and 20-23 of Species III, and claims 1-2, 4-14, and 20-23 of Species IV are also so closely related to the Species II claims 1-3, 6-7, and 15-21 that they should remain in the same application. All of the claims of these four Species identified by the Examiner are drawn to a polycrystalline thin film formed with a mask having laser transmission patterns mixed with laser non-transmission patterns. Therefore, it is also believed that evaluation of all four of the Species identified by the Examiner would not provide an undue burden upon the Examiner in comparison with the additional expense and delay to the Applicant in having to file one or more divisional applications.

MPEP §803 sets forth the criteria for restriction between patentably distinct inventions. (A) indicates that the inventions must be independent (see MPEP §802.01, §806.04, §808.01) or distinct as claimed (see MPEP §806.05-806.05(i)); and (B) indicates that there must be a serious burden on the Examiner if restriction is required (see MPEP §803.02, §806.04(a)- §806.04(i), §808.01(a) and §808.02). The Examiner has not set forth why there would be a serious burden if restriction is required.

III. Conclusion

Upon review of references involved in this field of technology, when considering that the Group I claims are directed to the polycrystalline thin film, the method recited by the Group II claims is directed to a method of manufacturing the polycrystalline thin film formed with a mask having laser transmission patterns mixed with laser non-transmission patterns, all of the Species I-IV claims are directed to a polycrystalline thin film formed with a mask having laser transmission patterns mixed with laser non-transmission patterns, and when all of the other various facts are taken into consideration, it is believed that upon reconsideration of the Examiner's initial restriction requirement, all of the pending claims should be examined in the subject application.

In view of the foregoing amendments, arguments and remarks, all claims are deemed to

be allowable and this application is believed to be in condition for allowance.

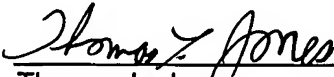
If any further fees are required in connection with the filing of this Amendment, please charge the same to our deposit account number 19-3935.

Should any questions remain unresolved, the Examiner is requested to telephone Applicants' attorney.

Respectfully submitted,

STAAS & HALSEY LLP

Date: November 4, 2004

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